

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**STEPHEN SCHAEFER,
STEFANIE GENTLES,
RICHARD MESSERLY,
GREGG BROWN, and
DAVID BAIR, individually and
on behalf of all others similarly
situated,**

Plaintiffs,

v.

HEALTHPORT TECHNOLOGIES, LLC,

Defendant.

No. 3:15-cv-69-DRH-DGW

ORDER

This cause comes before the Court pursuant to a Notice of Voluntary Dismissal (Doc. 17) without prejudice and without costs filed by plaintiff Stephen Schaefer pursuant to FEDERAL RULES OF CIVIL PROCEDURE 41(a). Although plaintiffs' complaint alleged claims on behalf of a specific class of plaintiffs, the Court has not certified any class in this case.¹

Plaintiff has advised the Court that current health concerns adversely affect his ability to serve as an adequate class representative at this time. He requests that the Court toll the one-year refiling limitation for purpose of his

¹ Having not certified a class of plaintiffs in this action under FED. R. CIV. P. 23(b)(3), the parties need not seek the Court's approval of their settlement, voluntary dismissal, or compromise. See FED. R. CIV. P. 23(e).

participation in this matter as an unnamed class member. Defendant filed no objection.²

Accordingly, it is hereby **ORDERED** that all individual claims and allegations brought by Stephen Schaefer are hereby **DISMISSED WITHOUT PREJUDICE** and **WITHOUT COSTS**. Furthermore, the one-year re-filing limitation in this matter is hereby tolled for the purpose of plaintiff's participation as an unnamed class member. The claims and allegations of Plaintiffs Stefanie Gentles, Richard Messerly, Gregg Brown, and David Bair remain.

IT IS SO ORDERED.

Signed this 18th day of May, 2015.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2015.05.18
11:47:54 -05'00'

United States District Judge

² Defendant Healthport Technologies, LLC referenced Plaintiff Schaefer's voluntary dismissal in their April 17, 2015, motion to dismiss. (Doc. 24, p. 1 at FN. 1).